

**GOVERNMENT OF PUERTO RICO
PUERTO RICO PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU**

NEPR

Received:

Apr 15, 2026

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IN RE: 10-YEAR PLAN FEDERALLY
FUNDED COMPETITIVE PROCESS

Case No.: NEPR-MI-2022-0005

Motion to Submit Monthly Report on the
Status of Emergency Generation and Black-
Start Generation Procurement in Compliance
with *Resolution and Order* of July 30, 2024

**MOTION TO SUBMIT MONTHLY REPORT ON THE STATUS OF EMERGENCY
GENERATION AND BLACK-START GENERATION PROCUREMENT IN
COMPLIANCE WITH RESOLUTION AND ORDER OF JULY 30, 2024**

TO THE ENERGY BUREAU:

COMES NOW, GENERA PR, LLC (“Genera”), through its undersigned counsel and, very respectfully, states and prays as follows:

1. On January 23, 2023, the Puerto Rico Energy Bureau (“PREB”) issued a *Resolution and Order* (“January 23 Order”) that conditionally approved PREPA’s RFP process for the procurement of emergency peaker generation systems at Jobos, Daguao, and Palo Seco (“the Projects”), subject to various conditions.

2. On November 8, 2023, the PREB issued another *Resolution and Order* (“November 8 Order”) approving the RFP package submitted by Genera for the procurement of black start and emergency generation services.

3. On February 29, 2024, Genera filed a document titled *Motion to Submit Bi-weekly Report on the Status of Emergency Generation and Black-Start Generation Procurement in Compliance with Resolution and Order Dated January 23, 2023* (“February 29 Motion”), in which Genera stated that initial award was scheduled for March 2024.

4. On July 1, 2024, Genera filed a document titled *Motion to Submit Bi-weekly Report on the Status of Emergency Generation and Black-Start Generation Procurement in Compliance with Resolution and Order Dated January 23, 2023* (“July 1 Motion”), in which Genera included as Exhibit A the Bi-Weekly report describing the status of the Emergency Generation and Black-Start Generation Procurement. Genera also informed that starting on July 1, 2024, pursuant to Footnote 16 of the January 23 Order, reports would be submitted on a quarterly basis, consistent with the fiscal year’s quarters (*e.g.*, July 1 to September 30 for Q1, October 1 to December 31 for Q2, and so forth), and that their next report was due by October 9, 2024.

5. On July 30, 2024, the PREB issued a *Resolution and Order* (“July 30 Resolution”) in which, in relevant part, denied Genera’s request to submit quarterly reports instead of biweekly reports, and ordered Genera to submit monthly reports beginning on August 15, 2024.

6. In compliance with the July 30 Resolution, Genera respectfully submits its monthly report on the status of Emergency Generation and Black-Start Generation Procurement for the month of March 2026, included herein as Exhibit A.

WHEREFORE, Genera respectfully requests that the PREB **take notice** of the above; **accept** Genera’s report on the status of Emergency Generation and Black-Start Generation Procurement for the month of March 2026, included herein as Exhibit A; and **deem** Genera in compliance with the July 30 Resolution.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 15th day of April, 2026.

It is hereby certified that this motion was filed using the electronic filing system of this Energy Bureau, and that electronic copies of this Motion will be notified to the following attorneys

who have filed a notice of appearance in this case: **Lcda. Mirelis Valle Cancel**, mvalle@gmlex.net; **Lcda. María Teresa Bustelo-García**, mbustelo@gmlex.net.

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s/Luis R. Román Negrón
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Exhibit A – Monthly Report (March 2026)
Emergency Generation and Black-Start Generation Procurement

Docket Number: NEPR-MI-2022-0005

In Re: 10 YEAR PLAN FEDERALLY FUNDED COMPETITIVE PROCESS

Re: Monthly Progress Report – March 2026

In the July 30, 2024, Resolution and Order the Puerto Rico Energy Bureau (PREB) ordered Genera to submit monthly reports on the status of emergency generation and black-start generation procurement, commencing August 15, 2024. Additionally, the Energy Bureau ordered Genera to include, as part of the next and subsequent monthly progress reports, at a minimum, the following:

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a. breakdown of each task, estimated cost, cost amount consumed, and timeline for completion of such task.

Response:

Timelines are detailed in responses #1(b). A comprehensive overview of the tasks, along with their estimated costs and the amounts consumed to date are provided in the following charts:

	Budget	Costs Incurred	Remaining
Equipment Purchase	\$ 461,512,077.72	\$ 409,502,578.01	\$ 52,009,499.71
Site Development & Construction	\$ 452,996,936.67		\$ 428,426,047.05
Project Development		\$ 24,282,609.94	
Permitting		\$ 288,279.68	
Decommissioning & Demolition		\$ -	
Construction		\$ -	
Commissioning		\$ -	
Interconnection		\$ -	
	\$ 914,509,014.39	\$ 434,073,467.63	\$ 480,435,546.76

Activity	Scope	Costs Incurred
Project Management	Project Development	\$ 3,545,577.80
Design	Project Development	\$ 19,814,613.48
Site Surveys	Project Development	\$ 922,418.66
Permitting	Permitting	\$ 288,279.68
Equipment Purchase	Equipment Purchase	\$ 409,502,578.01
	Total:	\$ 434,073,467.63

Executive Summary

Preconstruction activities at Costa Sur, including ongoing demolition, continues. Efforts continue to focus on procurement execution, interconnection coordination, and maintaining alignment with key stakeholders.

Genera achieved a key procurement milestone with the issuance of the EPC RFP for the Jobos, Yabucoa, and Daguaao sites, supporting continued schedule optimization and progression toward construction. Interconnection activities also advanced, with LUMA Energy continuing the Facility Study for all sites, now expected to be completed by May 2026, while the Yabucoa land transfer remains pending.

The decommissioning plans for the above mentioned sites are under evaluation for further submission to PREB for approval.

A significant regulatory milestone was reached as the Environmental Protection Agency confirmed that a PSD permit is not required for Daguaao, Yabucoa and Jobos, removing a key permitting constraint. For Costa Sur, EPA is still evaluating PSD Applicability. At the program level, the FEMA

Environmental and Historic Preservation (EHP) review remains ongoing, and Genera continues to proactively manage risks and maintain alignment with the overall project schedule.

Progress Overview by Site:

Costa Sur

- Contractor remains actively performing demolition activities at the site. A change order for additional work not included in the original scope is being negotiated with the Contractor. Although the change order is expected to extend the contractor's duration, it is not anticipated to impact the schedule of subsequent project phases, including the civil and structural works.
- The proposals received under RFP #5069 for civil and structural works at Costa Sur are being evaluated. Upon completion of the evaluation, an intent to award is forecasted to be issued in the coming month.

Jobos, Yabucoa, and Daguao

- The land transfer for the Yabucoa site remains pending, and Genera continues to await LUMA's confirmation of the expected process completion date.
- The Facility Study for each site is currently in process, and completion is expected in May 2026.
- Genera issued the Engineering, Procurement, and Construction (EPC) RFP for the Jobos, Yabucoa, and Daguao sites on March 13, 2026. Contract approval from the Puerto Rico Public-Private Partnerships Authority and the Financial Oversight and Management Board for Puerto Rico remains targeted for July 2026.
- The Non-PSD applicability request for the Yabucoa, Daguao, and Jobos sites was submitted to the Environmental Protection Agency (EPA) in November 2024, with an amendment submitted on July 28, 2025. A determination from the EPA confirming that a PSD permit is not required, was received in March 2026 thus, allowing construction to proceed without this regulatory constraint.

- The Non-PSD applicability request for the Costa Sur site was submitted to the Environmental Protection Agency (EPA) in November 2025.

Potential Risks

As in every construction works, unforeseen circumstances may affect schedule performance, including global supply-chain constraints, required approvals from applicable authorities, legal disputes, and environmental reviews. Any of these factors may result in unanticipated delays. The following is a list of some of such circumstances that might arise, during the construction phase.

Potential Risks	
1. Environmental Assessments and Permits	<ul style="list-style-type: none"> a. Changes in environmental law and environmentally related permits. b. Denial or delays in obtaining necessary environmental permits or approvals. c. Unforeseen environmental contamination requires additional remediation efforts.
2. Regulatory Compliance	<ul style="list-style-type: none"> a. Denial or delay in obtaining necessary permits or approvals (including, but not limited to, those needed from the T&D System Operator) b. Changes in applicable law or regulatory requirements or additional compliance measures imposed by authorities. c. Changes in regulatory interpretation. d. Changes in regulatory enforcement. e. Extended review periods by regulatory agencies.
3. Site Conditions	<ul style="list-style-type: none"> a. Need of additional space for any reason, including project development entailing an acquisition process. b. Unforeseen technical difficulties in dismantling equipment or infrastructure. c. Unanticipated structural issues or site conditions that complicate demolition.

Potential Risks	
	<ul style="list-style-type: none"> d. Unforeseen site conditions, whether subsurface or otherwise concealed. f. Changes in the site conditions due to weather or otherwise.
4. Technical Challenges	<ul style="list-style-type: none"> a. Unforeseen technical difficulties in decommissioning or dismantling equipment or infrastructure. b. Delays due to the unforeseen need for specialized equipment or expertise. c. LUMA is not accepting the use of existing interconnection points for the new Peaker units and is requiring development and construction of new interconnection points.
5. Weather and Natural Events	<ul style="list-style-type: none"> a. Adverse weather conditions impacting demolition activities. b. Natural disasters (e.g., earthquakes, floods) causing delays.
6. Contractor and Resource Availability	<ul style="list-style-type: none"> a. Limited availability or delay in obtaining qualified contractors or specialized personnel for whatever reason. b. Limited availability or delays in delivering necessary equipment, materials, or other supply chain constraints. c. Exceeding capacity limits of approved dumps for disposal of debris. d. Unavailability of labor or subcontractors.
7. Health and Safety Concerns	<ul style="list-style-type: none"> a. Unanticipated health and safety risks requiring additional precautions. b. Implementation of HSE measures by a governmental authority for whatever reasons. c. Incidents or accidents on-site necessitating work stoppages or investigations.

Potential Risks	
8. Stakeholder and Community Engagement	<ul style="list-style-type: none"> a. Delays due to the need for additional stakeholder consultations or community engagement. b. Public opposition to the project. c. Interference from environmental, community, or social justice organizations. d. Legal challenge seeking to contest the validity of the RFP, the demolition agreement, permits, or other transaction contemplated in the demolition contract.
9. Change Order Risk / Financial Constraints	<ul style="list-style-type: none"> a. Unexpected cost overruns require additional financial planning and consulting with regulatory agencies to increase budget and funding. b. Change Order risk.
10. Logistical Issues	<ul style="list-style-type: none"> a. Unforeseen changes concerning the transportation permits and the means of transportation of debris. b. Transportation, logistics, or access issues affecting the movement of materials, equipment, and labor. c. Issues that affect the availability and condition of roads, bridges, or other transportation infrastructure required to mobilize equipment, materials, and labor in and out of the site. d. Coordination challenges with other ongoing projects or site activities.
11. Contractor Delays	<ul style="list-style-type: none"> a. Failure of contractors and their subcontractors to execute tasks within the timeframes established in their contracts or subcontracts (including delivery times.¹). b. Delays caused by the contractor and subcontractor's performance issues.

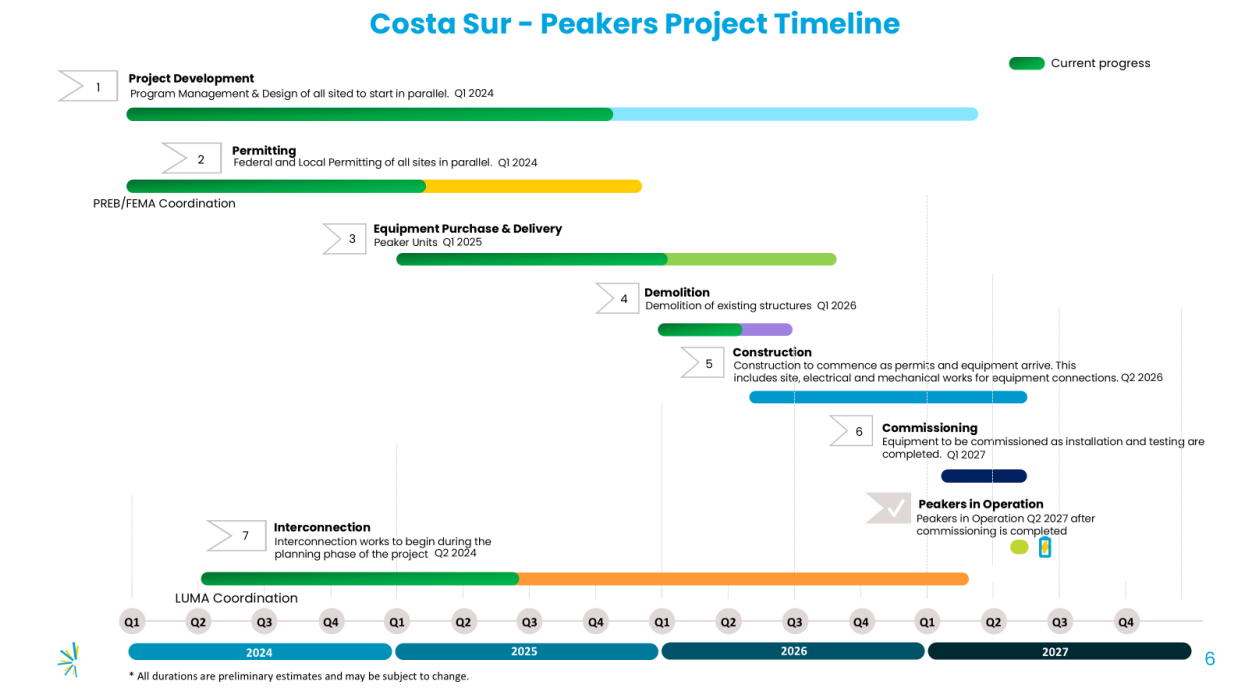
¹ These could range from, but are not limited to, delays in delivery time, defective or non-conforming equipment, and incomplete documentation. Supply chain issues and customs or import delays also fall under the seller's responsibility. Quality control failures, lack of necessary parts or components, and incorrect specifications can cause significant setbacks. Warranty issues, delays in technical support, and non-compliance with regulatory standards add to the seller's accountability. Packaging and shipping issues, inadequate training or installation support, and intellectual property disputes further complicate project timelines. Additionally, any delays in custom modifications to the equipment requested by the buyer are the seller's responsibility. All other conditions listed in the purchase agreements.

Potential Risks	
12. Labor-Related Issues:	<ul style="list-style-type: none">a. Delays due to labor strikes, work stoppages, or other union-related actions.b. Negotiation challenges with unions affecting the availability of labor or the timeline for project execution.c. Delays due to reduced productivity caused by labor disharmony.

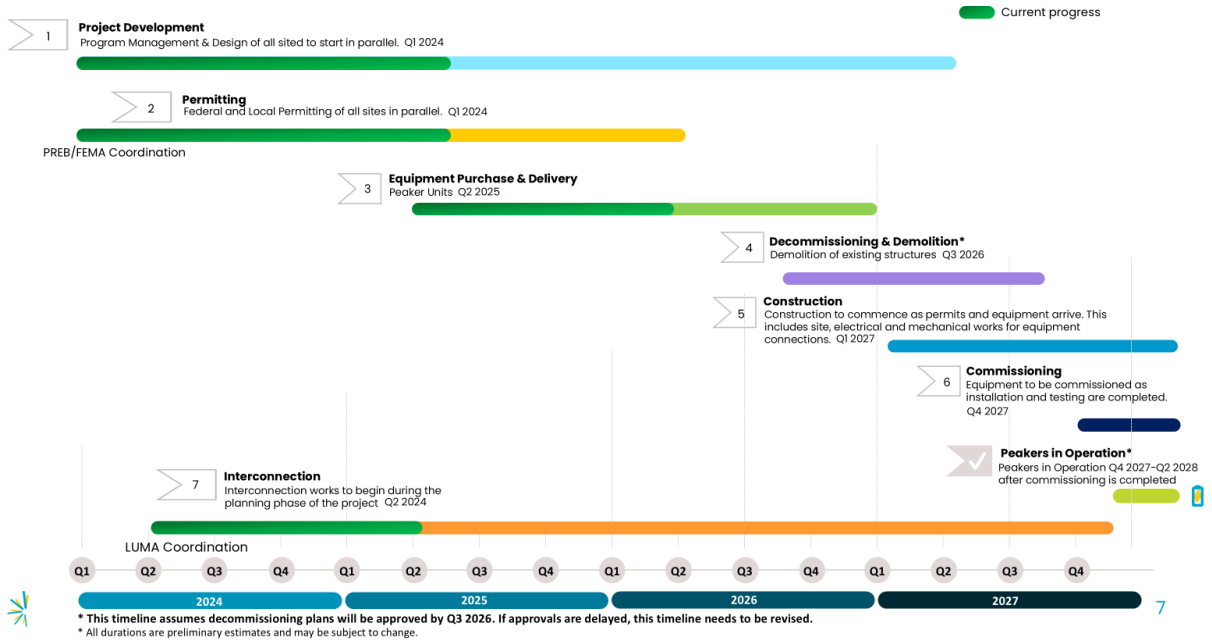
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b. The stages of each task, timeline, present status, and estimated time for completion.

Response:



Jobs, Yabucoa & Daguao – Peakers Project Timeline



Key Factors Impacting Schedule:

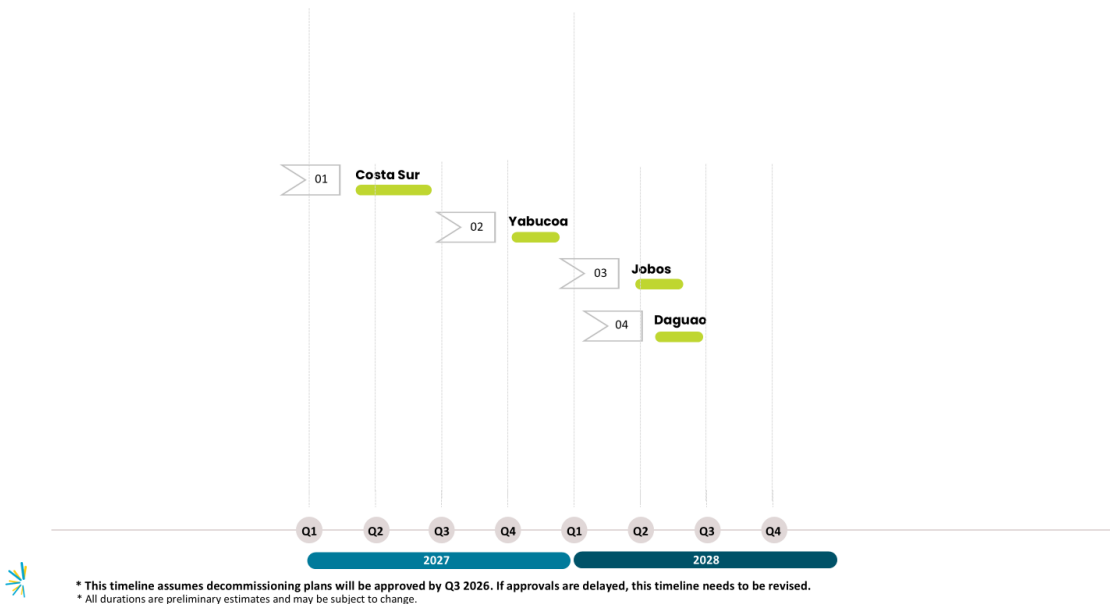
- a. This project was submitted to FEMA on September 20, 2024. After FEMA began evaluating the Project, multiple RFIs were received, especially from environmental teams. Extensive negotiations with FEMA EHP were held to avoid triggering a higher-level NEPA review, which would have potentially delayed the project for over a year. After 13 months, the project received approval from FEMA on October 30, 2025.
- b. LUMA has not authorized the decommissioning of all existing peaker units. In a letter dated January 7, 2025, LUMA opposed Genera's decommissioning plan and requested all MW capacity substitution along with an operational reserve of 810MW in order to concur with the decommissioning request. Genera had anticipated that the 800MW emergency generation project would be implemented but is still pending procurement by 3PPO. The new peaking units cannot be installed without first removing the existing units, some of which are currently out of service. Genera received formal conditioned concurrence letter from LUMA regarding the third decommissioning plan on January 26, 2026. However, as part of the conditions, Genera must place the BESS units into service before beginning decommissioning of the existing peaker units.
- c. The Non-PSD applicability request for the Costa Sur site was submitted to EPA on November 26, 2025.
- d. The Non-PSD applicability request for the Yabucoa, Daguao and Jobos sites was submitted to EPA on November 2024. A final determination from EPA establishing that a PSD permit was not required for Yabucoa, Daguao and Jobos was received in March 2026 allowing construction to begin, subject to DRNA's authorization.
- e. The Impact Study was completed; however, LUMA is still working on the Facility Study before agreeing to the use of the existing interconnection points. A delay in completing this Facility Study may delay the project by 9-18 months from the current proposed timeline presented by Genera.

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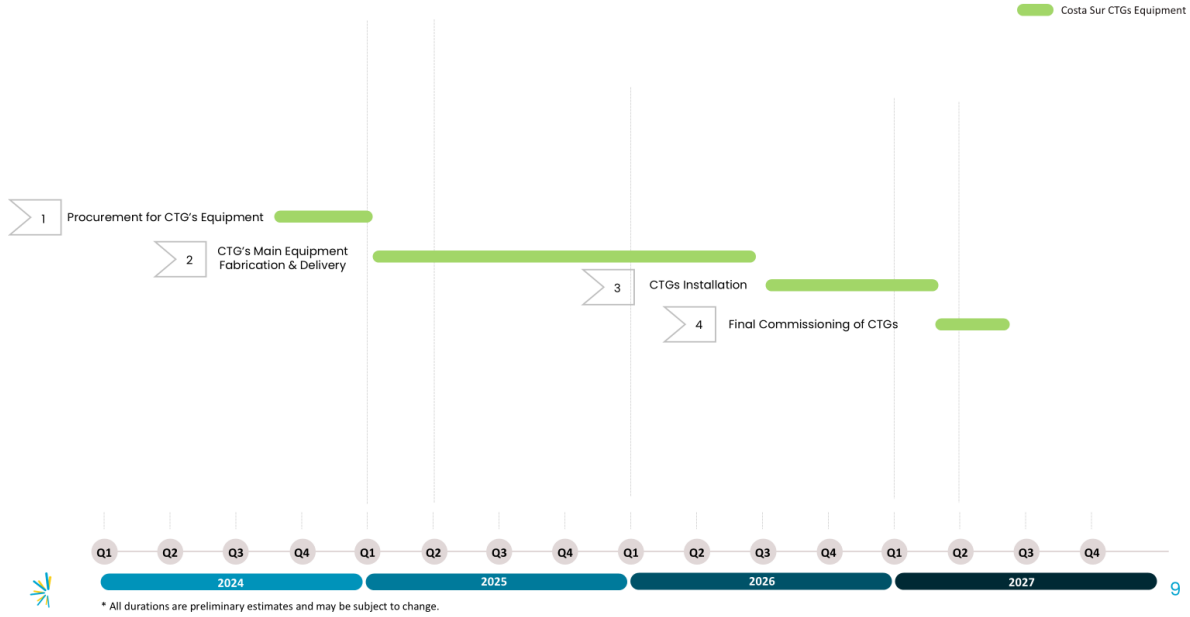
d. Project timeline chart (e.g. Gantt Chart) with critical path for the Commercial Operation Date ("COD") of the project.

Response:

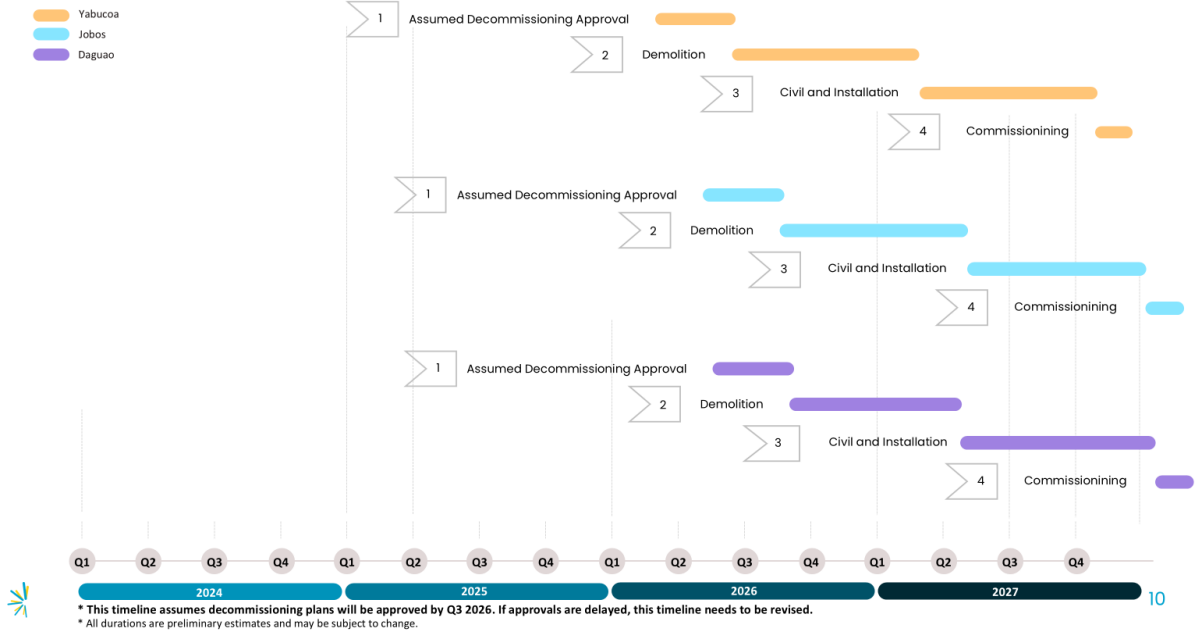
Peakers: Commissioning Timeline



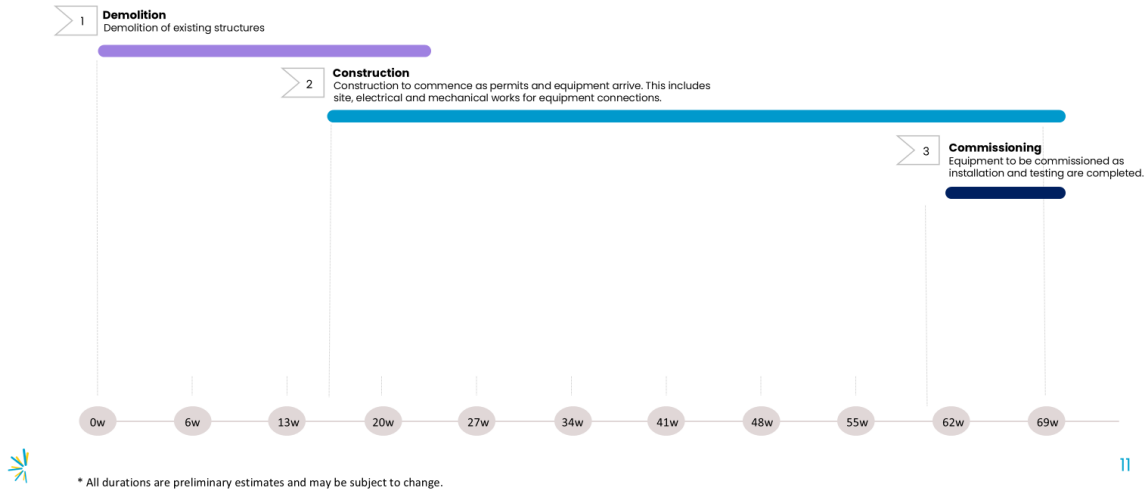
Peakers – Critical Path Timeline: Costa Sur



Peakers – Critical Path Timeline: Jobos, Yabucoa & Daguao

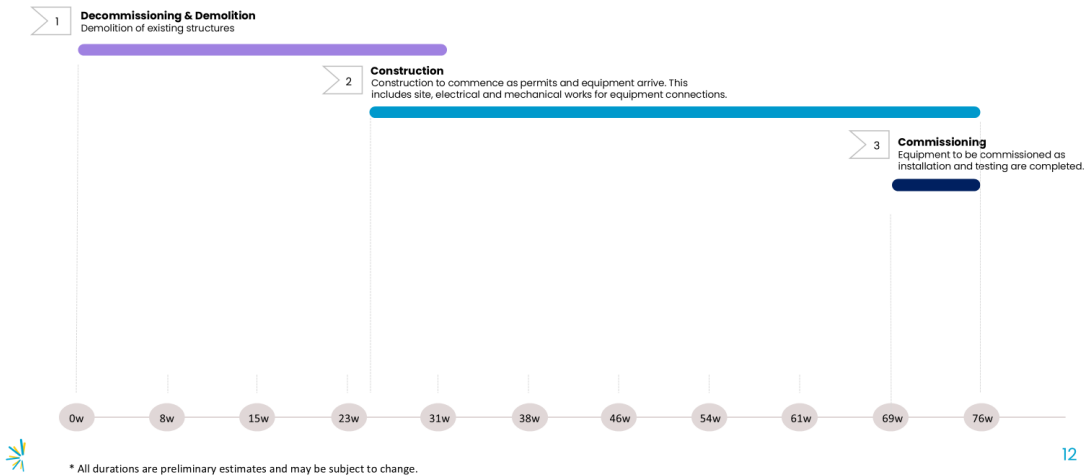


Costa Sur – Peakers Project Duration* (Assuming approvals for the LUMA Unit Retirement Checklist, Decommissioning Plan, FEMA, and EPA)



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Jobs, Yabucoa & Daguao – Peakers Project Duration* (Assuming approvals for the LUMA Unit Retirement Checklist, Decommissioning Plan, FEMA, and EPA)



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e. Permit list, permits obtained, estimated timeline for each permit and status of such permit.

Response:

NEPA Permit Status²

Permit	Applicable Sites	Status	Approval
EHP NEPA Review (Record of Environmental Consideration expected)	All Peaker projects	DSOW submitted 09/18/2024.	09/25/2025
Coastal Zone Consistency Certification	Costa Sur	Peakers expected to be covered under FEMA and PRPB's existing blanket Coastal Certification (in effect until 2028)	Covered under FEMA's blanket Coastal Certification.
Biological Resources Endangered Species Act (ESA)	All Peaker projects	Information submitted with DSOW.	09/25/2025
National Historic Preservation Act Consultation	All Peaker projects	Archeological reports submitted with DSOW.	09/25/2025

Federal Permits Status – Yabucoa, Daguao and Jobos³

Permit	Applicable Sites	Status	Submittal Date	Estimated Approval
Non-PSD Applicability Determination	Yabucoa, Daguao and Jobos	Application submitted to EPA for Daguao/Yabucoa/Jobos.	Amended on 11/12/2025. RFI's received on 12/05/2025 and 12/08/2025	Approved in march 2026.
NPDES Construction General Permit (CGP) for Storm Water	Yabucoa, Daguao and Jobos	Will be filed by Contractor, if applicable.	TBD	TBD
Determination of No Hazard to Air Navigation (FAA)	Yabucoa, Daguao and Jobos	Information submitted with DSOWC	TBD	TBD

² All dates are preliminary estimates and are subject to change.

³ All dates are preliminary estimates and are subject to change.

Federal Permits Status – Costa Sur⁴

Permit	Status	Submittal Date	Approval
Non-PSD Applicability Determination	Application submitted to EPA.	11/26/2025	TBD
NPDES Construction General Permit (CGP) for Storm Water	Will be filed by Contractor, if applicable.	TBD	TBD
Determination of No Hazard to Air Navigation (FAA)	Information submitted with DSOWC	TBD	TBD

Local Permits Status – Yabucoa, Daguao and Jobos⁵

Permit	Status	Submittal	Estimated Approval
DNER Rule 141 – Environmental Impact Document Documentation	Submitted on Oct. 18, 2024.	10/18/2024	All sites have been approved.
PRCF Fire Review (<i>optional</i>)	Genera will file upon receiving final design plans.	2026	60 days after submission
Permiso Unico Incidental (PUI)	Contractor will file.	TBD	30 days after submission
DNER Asbestos/Lead Removal	Contractor will file.	TBD	30 days after submission
Air Emissions Permit (PFE) for Construction	Genera will file after receiving Rule 141 approval.	TBD	Q3 2026
Air Emissions Permit (PFE) for Operation	Genera will file after receiving PFE for Construction approval and completing installation of emission sources.	TBD	Q4 2026

⁴ All dates are preliminary estimates and are subject to change.

⁵ All dates are preliminary estimates and are subject to change.

Local Permits Status – Costa Sur ⁶

Permit	Status	Estimated Submittal Date	Estimated Approval
DNER Rule 141 – Environmental Impact Documentation	Approved	July 2025	10/16/2025
PRCF Fire Review	Genera will file upon receiving final design plans.	TBD	60 days after submission
Permiso Unico Incidental (PUI)	Contractor will file.	April 2026	30 days after submission
DNER Asbestos/Lead Removal	Submitted on February 9, 2026	02/09/2026	30 days after submission
Air Emissions Permit (PFE) for Construction	Genera will file after receiving Rule 141 approval.	TBD	Q2 2026
Air Emissions Permit (PFE) for Operation	Genera will file after receiving PFE for Construction approval and completing installation of emission sources.	TBD	Q4 2026

⁶ All dates are preliminary estimates and are subject to change.

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f. Tasks required in preparation for each site where the project shall be installed. Details on any demolition and permits required in preparation for the installation of the project.

Response:

See responses to questions a through d.

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g. Permit and cost for each site to accommodate the project.

Response:

NEPA Permit Costs⁷

Permit	Applicable Sites	Estimated Cost
EHP/NEPA Review	All Peaker sites	\$150,000 for all sites. Includes EHP Review coordination
Coastal Zone Consistency Certification	San Juan; Costa Sur	\$8,000/site
Biological Resources Endangered Species Act (ESA) Section 7	All Peaker projects	\$15,000/site
National Historic Preservation Act Consultation	All Peaker projects	\$15,000/site

Federal Permit Costs⁸

Permit	Applicable Sites	Estimated Cost
Non-PSD Applicability Determination	Yabucoa, Daguao & Jobos	\$12,000/site
Air Modeling and PSD Application	Costa Sur	\$180,000
NPDES Construction General Permit (CGP) for Storm Water	All Peaker projects	\$21,000/site
Determination of No Hazard to Air Navigation (FAA)	All Peaker projects (when applicable)	Included in DSOW

Local Permit Costs⁹

Permit	Applicable Sites	Estimated Cost
DNER Rule 141 – Environmental Impact Documentation	All Peaker projects	\$35,000/site
PRCF Fire Review	All Peaker projects	\$3,000/site
Permiso Unico Incidental (PUI)	All Peaker projects	\$25,000/site
DNER Asbestos/Lead Removal	All Peaker projects	\$15,000/site
Air Emissions Permit (PFE) for Construction	All Peaker projects	\$20,000/site
Air Emissions Permit (PFE) for Operation	All Peaker projects	\$10,000/site

⁷ All costs are preliminary estimates and are subject to change.

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